

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85244468
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION (no change)	
ARGUMENT(S)	
<p>January 1, 2013</p> <p>Commissioner for Trademarks US Patent and Trademark Office P.O. Box 1451 Alexandria, VA 22313-1451</p> <p>Re: TM Application Serial No.: 85244468 Applied-for Mark: SOCIAL NETWORK PROCESSOR Class: International Class 009 Applicant: Applied Micro Circuits Corporation Date Application Filed: February 16, 2011 Office Action issued: July 1, 2012 Correspondent contact: email: rjaipershad@apm.com; Phone: (408) 542-8307 Examining Attorney: Charles L. Jenkins</p>	
<p>Dear Mr. Jenkins:</p> <p><u>1.0 Reply and Request for Reconsideration after Final Action</u></p> <p>In response to your Office Action issued July 1, 2012 (made "Final") the Applicant respectfully requests reconsideration and allowance of its application for the reasons set forth below.</p> <p>In the Office Action, the Applicant's mark "Social Network Processor" was refused registration under Trademark Act, 15 U.S.C. Section 1051(b), on the grounds that the mark under 15 U.S.C. Section 1052(e)(1) is merely descriptive of the Applicant's identified goods, namely "Microprocessors and semi-conductors; Semiconductor chips; Semiconductor power elements" in International Class 009.</p> <p>By this response, the Applicant (i) amends the identification of the goods under Trademark Rule 37 C.F.R. 2.71(a) (see Section 2, below), and (ii) hereby disclaims any right in the word "processor" apart from the greater mark, and (iii) requests reconsideration of certain issues it believes were not given</p>	

adequate weight in the earlier Office Actions. Accordingly, the Applicant hereby respectfully requests allowance of the application in view of the proposed amendments and the disclaimer and submissions herein.

As a six-month period was set for a reply, this reply filed January 2, 2013 is timely since January 1, 2013 was a U.S. Federal Holiday.

Concurrent with this response, the Applicant is filing a Notice Of Appeal should refusal to register the mark continue over this response.

2.0 Proposed Amendment to the Identification of Applicant's Goods

In rejecting the mark "Social Network Processor" as "merely descriptive of the identified goods" under 15 U.S.C. Section 1052(e)(1), the Office Action stated that the Applicant's mark describes a feature of the relevant goods in that a "social network" is a website where one connects with those sharing personal and professional interests, place of origin, education at a particular school", and a "processor" is part of a computer (a microprocessor chip) that does most of the data processing".

Thus, by the Office Action, Applicant's inclusion of the word "microprocessors" which contains the term "processor" in its list of identified goods, supports a finding that the proposed mark is merely descriptive of the relevant goods under 15 U.S.C. Section 1052(e)(1).

In view of this grounds for rejecting the mark, the Applicant under Trademark Rule 2.71(a) hereby amends the identification of the goods by removing the words "Microprocessor and," such that the amended identification would read: "Semi-conductors; Semiconductor chips; Semiconductor power elements".

3.0 Proposed Disclaimer of "Processor"

In addition to amending the identified goods, the Applicant proposes to amend its application to disclaim "Processor" in its mark. Consequently, since the identified goods as amended does not include "microprocessor" and since "processor" is disclaimed, the Applicant's mark with the disclaimer does not describe an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods. Hence the mark is not descriptive under 15 U.S.C. Section 1052(e)(1).

4.0 Social Network Processor is not merely descriptive of Applicant's goods but is in fact suggestive of multiple meanings

The Trademark Trial and Appeal Board (the "TTAB") and the federal courts have set forth clear guidelines regarding what renders a mark impermissibly descriptive under Section 2(e)(1) of the Trademark Act. TTAB and federal court decisions state that refusal to register a mark on the basis of Section 2(e)(1) requires that the mark do nothing other than to immediately convey an understanding of the goods that are associated with the mark. *See In re Quik-Print Copy Shops*, 616 F.2d 523, 525, 205 USPQ 505 n.7 (CCPA 1980). In addition, in order to be descriptive, a mark must immediately convey information as to the ingredients, qualities or characteristics of the goods with a "degree of particularity." *Plus Products v. Medical Modalities Associates, Inc.*, 211 USPQ 1199, 1204-1205 (TTAB 1981). *See also In re Diet Tabs, Inc.*, 231 USPQ 587, 588 (TTAB 1986); *Holiday Inns, Inc. v. Monolith Enterprises*, 212 USPQ 949, 952 (TTAB 1981); and *In re TMS Corp. of the Americas*, 200 USPQ 57, 59 (TTAB 1978). This concept of "particularity" was promulgated in *In re Colonial Stores*,

Inc., where the Court held that unless a mark clearly informs potential consumers “*only* what the goods are, their function, their characteristics or their use,” the mark is not merely descriptive. 157 USPQ 382, 385 (CCPA 1968) (“merely descriptive means only descriptive”). Moreover, the burden is on the Examining Attorney to establish that the mark for which registration is sought is merely descriptive within the meaning of the Lanham Act. *In re Merrill Lynch, Pierce, Fenner, and Smith Inc.*, 828 F.2d 1567, 4 USPQ2d 1141, 1143 (Fed. Cir. 1987). Thus, if there exists *any* doubt as to whether a mark falls within the proscription of Section 2(e)(1), that doubt must necessarily be resolved in favor of the applicant. *In re Gourmet Bakers*, 173 USPQ 565 (TTAB 1972); *see also In re Atavio*, 25 USPQ2d 1361, 1362 (TTAB 1992).

Applying these principles, the Applicant respectfully submits that the Trademark Office has not met its burden of showing that the mark SOCIAL NETWORK PROCESSOR immediately conveys an understanding of Applicant’s goods, or that it informs consumers with a degree of particularity such that the mark is “only descriptive.” On the contrary, the Applicant respectfully submits that Applicant’s mark is decidedly suggestive, for the reasons stated below.

1. Applicant's Mark Requires Imagination And Thought For A Consumer To Reach A Conclusion As To The Nature Of The Associated Goods.

To make the determination whether a mark is merely descriptive, courts and the USPTO often apply the so-called “imagination test” to distinguish between merely descriptive and suggestive marks. Specifically, a term is not merely descriptive if it “requires imagination, thought and perception to reach a conclusion as to the nature of the goods. A term is descriptive if it forthwith conveys an immediate idea of the ingredients, qualities, or characteristics of the goods.” *Stix Products, Inc.*, 295 F.Supp. 479, 488 (SDNY 1968) (emphasis added); *see also Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 189 USPQ 759, 765 (2d Cir. 1976). Further, “[i]f the mental leap between the word and the product’s attributes is not almost instantaneous, this strongly indicates suggestiveness, not direct descriptiveness.” *McCarthy on Trademark and Unfair Competition*, §11:67 (4th ed. 2003).

In the present case, the mark SOCIAL NETWORK PROCESSOR is not merely descriptive because the mark does not *immediately* convey to the consumer the nature neither of Applicant’s goods nor with a degree of particularity. Instead, the mark is suggestive because one or more mental steps must be performed by the consumer, requiring the use of imagination, thought or perception, in order to reach a conclusion on the nature of such goods.

A review of each of the terms included in Applicant’s mark shows that the terms themselves have several different definitions and meanings. In its Office Action, the Examining Attorney stated that Applicant provides “semiconductor power elements” that are made solely for “social networks,” indicating that the mark is merely descriptive of “processors” for “social networks.” Even assuming that this is the only interpretation of the proposed mark (which, as further described below, is not the case), the term “social network” is not susceptible of a single, or even prominent, definition when paired with the term “processor”. As the Examining Attorney identified in the Office Action of June 1, 2012 and May 11, 2011, there are at least two distinct definitions of “social network” that might describe an intended purpose of Applicant’s processors. First, the Examining Attorney stated that “A social network is a website where one connects with those sharing personal or professional interests, place of origin, education at a particular school.” Second, on Attachment 1 to the Office Action of May 11, 2011, the Examining Attorney provided the Dictionary.com definition of “social network,” which is “a person’s family, neighbors, and friends with whom they are socially involved.” The first definition referring to a website, is technological; the second definition is clearly non-technological.

Whereas processors associated with the first definition might be those designed for the data center infrastructure employed by the major social network website providers, processors associated with the second definition might be those designed to power individual consumers' smart phones, laptop computers and other personal communication devices that facilitate interaction with the other individuals in their personal social networks. Processor chips suitable for servers and other equipment within the data center infrastructure are very different – in terms of functionality, performance specifications, use and customer base – from those suitable for consumer devices such as cell phones, laptops and home network-attached storage devices.

Yet there are even more definitions of “social network.” For example, Wikipedia.com defines “social network” in terms of the connection points or nodes and a measurement of social capital. “In its simplest form, a social network is a map of specified ties, such as friendship, between the nodes being studied... The network can also be used to measure social capital – the value that an individual gets from the social network. These concepts are often displayed in a social network diagram, where nodes are the points and ties are the lines.” See Appendix A, previously submitted. Because the term “social network” has at least three different meanings depending on the context, Applicant does not agree that SOCIAL NETWORK PROCESSOR *immediately* conveys to the consumer the nature of Applicant's goods nor with a degree of particularity.

Moreover, none of the definitions of “social network” described above are normally, let alone immediately, associated with processors. Applicant respectfully submits that the phrase “social network” has no special meaning within the Applicant's industry – semiconductors - that is unique from the general meanings discussed above. Likewise, although the word “processor” has a specific meaning within the Applicant's industry, it has no immediate or singular meaning within either the industries that create social networking websites – which are primarily based on software applications -- or the businesses that use social network products to commercialize their product offerings and businesses. Mental leaps are required for the consumer to connect and thereafter associate the concept of a social network to the hardware devices developed and sold by Applicant. This rationale serves as another basis for Applicant's argument that the mark SOCIAL NETWORK PROCESSOR is suggestive and not merely descriptive. Without further thought or imagination by the consumer, the quality and nature of Applicant's goods cannot be immediately attained. The vague and amorphous nature of the term invites additional thought by the consumer and a mental connection between the mark and the product's attributes must be considered which necessarily converts the mark from one that is merely descriptive to one that is suggestive and registerable.

In addition to the analysis of the proposed mark set forth in the Office Action – which focused on the concept of “processors” for “social networks” – there is a second and fundamentally distinct interpretation of the mark SOCIAL NETWORK PROCESSOR which, when properly added to the picture, should help to remove any doubt that the mark requires imagination and iterative thought processes in order to reach any conclusions about the nature of Applicant's goods. Given that the majority of Applicant's semiconductor products in its “Embedded Processor” business unit are designed for networking applications (please see applicable screen shots taken from Applicant's corporate website, Appendix B, previously submitted, Applicant has come to be known within the industry as fabless microprocessor product provider.

Accordingly, when viewing the proposed mark SOCIAL NETWORK PROCESSOR, a customer or potential customer of Applicant's goods may be just as likely to initially see within it the term “network processor” as it may be to see the term “social network.” Such a reading of the mark thereupon would lead the consumer to a conclusion that Applicant's goods are “network processors”

that are “social.” This association necessarily leads to further imaginative thought processes, given the large number of plausible suggestive definitions of the term “social” when linked to the term “network processor.” First, the mark could refer to network processors that interact within the network in a way that mimics social interaction. Second, it could mean network processors that, through advances in Applicant’s technology, communicate with each other effortlessly and easily, that is, in a friendly or social manner. Third, the mark could refer to network processors intended for applications that relate to human welfare. Fourth, since “social” also means “gregarious” or desirous of being among large numbers, the mark could refer to network processors designed to co-exist in large numbers within a single board or device, thus delivering significantly higher performance. Fifth, the mark could mean network processors that society uses universally in that sense of “social.” The mark could also mean a modern or trendy processor, a spring-board or play on words based on the title to the recent motion picture “The Social Network.”

Applicant would also like to ask the Trademark Office to consider the fact that the Applicant’s mark is a combination of the three terms “social”, “network” and “processor.” Even assuming *arguendo* that there were generally understood meanings that were particular to each of those three terms as described above, or which were particular to each individual pairing of two out of three of such terms (“social network” and “network processor”), there nevertheless is no specific or widely-used meaning to the term SOCIAL NETWORK PROCESSOR as a whole within Applicant’s industry (i.e., semiconductors). According to TTAB and court precedent, even if the terms “social,” “social network,” “network processor” and “processor” were each merely descriptive, the combination of two or more merely descriptive terms that create a mark that might be either descriptive or suggestive must be resolved in favor of the Applicant. *See In re Conductive Systems, Inc.*, 220 USPQ 84, 86 (TTAB 1983). Applicant respectfully submits that the Examining Attorney’s focus upon a single definition of the term “social network” and the term “processor” is not sufficient to prove that the mark as a whole is merely descriptive. On the contrary, Applicant believes that such treatment would improperly dissect its mark rather than view it as a whole, which is the proper test when considering the issue of descriptiveness. Courts have held that marks tend to be perceived in their entireties, and all components thereof must be given appropriate weight. *See Opryland USA Inc. v. Great American Music Show, Inc.*, 970 F.2d 847, 23 USPQ 2d 1471 (Fed. Cir. 1992).

2. Where There Is Doubt As To Whether A Mark Is Descriptive, Doubt Should Be Resolved In Applicant's Favor.

To the extent the Trademark Office finds Applicant’s mark SOCIAL NETWORK PROCESSOR to fall within a “gray area” between obviously descriptive marks and suggestive marks, all doubt must be resolved in Applicant’s favor. *See In re Conductive Systems, Inc.*, 220 USPQ 84, 86 (TTAB 1983) (where the combination of two merely descriptive terms creates a mark that might be either descriptive or suggestive, doubts are to be resolved in favor of applicants; refusal reversed); *In re Pennwalt Corp.*, 173 USPQ 317, 319 (TTAB 1972) (DRI-FOOT not merely descriptive for antiperspirant foot deodorant; doubts to be resolved in favor of publication; refusal reversed); *In re Noble Co.*, 225 USPQ 749, 750 (TTAB 1985); *see also In re Grand Metropolitan Foodservice, Inc.*, 30 USPQ 2d 1974, 1976 (TTAB 1994) (holding that “any doubt with respect to the issue of descriptiveness should be resolved in applicant's behalf.”); *see also In re The Stroh Brewery Co.*, 34 USPQ 2d 1796, 1797 (TTAB 1995) (“When doubts exist as to whether a term is descriptive as applied to the goods or services for which registration is sought, it is the practice of the Board to resolve doubts in favor of the applicant.”). Thus, even if the Examining Attorney is not completely convinced that Applicant's mark is not merely descriptive, the TTAB and the federal courts have long established that the raising of doubt in the Examining Attorney should lead to a decision in Applicant's favor and a withdrawal of the Section 2(e)

(1) refusal. On this basis, Applicant requests that the Trademark Office reconsider the Examining Attorney's rejection in the Office Action and reverse its initial decision.

3. Numerous Previously Granted Third Party Registrations that include "SOCIAL NETWORK," "SOCIAL" or "PROCESSOR" support Reversal of the Examining Attorney's Initial Refusal to Register Applicant's Mark

Applicant found several instances within the Trademark Electronic Search System ("TESS") where the Trademark Office has granted registrations to third parties for marks that include either the terms "social network" or "processor". Applicant submits that the standards applied by the Trademark Office to Applicant's proposed mark appear inconsistent with those applied to the third party registered trademarks described below, which were not rejected as merely descriptive.

For example, the Trademark Office granted registration of the mark SOCIAL NETWORK RINGS (Reg. No. 4039978) to an online store that sells rings, as well as registration of the mark THE SOCIAL NETWORK MAGAZINE (Reg. No. 3976200) for a magazine in the field of social networking. A search of TESS for registrations that include the word "processor" yielded similar results. For example, the Trademark Office granted registration of the mark THE WORLD'S MOST INTELLIGENT VOICE PROCESSOR (Reg. No. 3987039) to a company that makes computer hardware and software for voice and audio signal processing. It also granted registration of the mark ADVANCED PROCESSOR SOLUTIONS (Reg. No. 3228468), which is registered to a third party in Class 009 for the same goods as Applicant, that is, integrated circuits. Applicant is unable to distinguish these marks, which passed muster under Section 2(e)(1) of the Trademark Act, from the present case.

The apparent inconsistency in applying Section 2(e)(1) standards is even more pronounced when viewing marks granted registration by the Trademark Office that contain the term "social." In fact, there exists today more than 300 live registered trademarks containing the term "social," a large number of which would appear to be difficult to distinguish from Applicant's mark in terms of a "merely descriptive" analysis. A smattering of such registered marks that are within the same Class 009 as Applicant, include SOCIAL WIFI (Reg. No. 4048823); SOCIAL COMMUNICATOR (Reg. No. 3734350); SOCIAL CONNECT (Reg. No. 3846541); BUILDING BLOCKS FOR SOCIAL NETWORKS (Reg. No. 3924738); and SOCIAL TEXT (Reg. No. 3193774). Applicant respectfully submits that the Examining Attorney's decision to reject SOCIAL NETWORK PROCESSOR on the grounds of being merely descriptive but to allow the cited third-party marks would be an inconsistent application of Section 2(e)(1). Although Applicant recognizes that each registration application is decided on its own facts and the evidence of record, it would appear, at least on its face, that if the registered third party marks are considered by the Trademark Office to be *not merely descriptive*, then by applying the same standard of review, Applicant's mark a fortiori should also be not merely descriptive.

For your ease of reference, copies of printed results of Applicant's searches are included in Appendix E, previously submitted.

5.0 Social Network Processor is a compound word mark and a double entendre and therefore does not require secondary meanings for protection

1. SOCIAL NETWORK PROCESSOR Should be Deemed to be a "Unitary" Mark Under Section 1213.05(a) Due to its Compound and Telescoped Terms.

The Trademark Office recognizes a proposed mark as “unitary” when it creates a commercial impression separate and apart from any unregistrable component. This occurs in situations where the elements are so merged together that they cannot be divided to be regarded as separable elements. If the matter that comprises the mark or relevant portion of the mark is unitary, no disclaimer of an element, whether descriptive, generic or otherwise, is required. See Trademark Manual of Examination Procedure (“TMEP”) §213.05. In particular, “compound” word marks, which are marks comprised of two or more distinct words that are represented as one word, and “telescoped” word marks, which are marks that comprise two or more words that share letters, are each considered to be unitary. (TMEP §§1213.05(a) and (a)(i))

Applicant’s mark SOCIAL NETWORK PROCESSOR results from Applicant’s intentional compounding of the distinct terms “social network” and “network processor”, with the word “network” that is common to both terms represented as one word within the mark. Such compounding of the terms within the mark is sufficient to render it “unitary”, such that it should be registrable with no disclaimer of any potentially unregistrable components. Moreover, Applicant’s proposed mark is “telescoped” in that it comprises two distinct terms that share a common word. Accordingly, the mark should also be considered unitary under TMEP §1213.05(a)(i) and thus registrable.

Moreover, the compound use of the paired terms together convey entirely different meanings which necessarily requires the consumer’s imagination, thought and perception to draw conclusions about the goods associated with Applicant’s mark.

2. Even if SOCIAL NETWORK PROCESSOR is descriptive, it Falls Under §1213.05(c) as a Double Entendre.

The Trademark Office recognizes double entendres as a separate special class of “unitary” marks, where a disclaimer of a non-distinctive component is not required for registration. See TMEP §§1213.05(c) et seq.

A “double entendre” is a word or phrase that has two meanings, or is capable of having more than one interpretation. “The mark that comprises the double entendre will not be refused registration as merely descriptive if one of its meanings is not merely descriptive in relation to the goods or services.” *TMEP* §1213.05(c).

The courts have a long history of extending protection to terms that have a double meaning. For example, *In re Colonial Stores, Inc.* held that “SUGAR & SPICE”, was not merely descriptive because it also included the meaning evoked in the well-known nursery rhyme. Another example is in *Estee Lauder, Inc. v. The Gap, Inc.*, where the court found that Estee Lauder’s mark “100% TIME RELEASE MOISTURIZER” included three possible interpretations: “(1) this bottle contains nothing but time release moisturizer, (2) this product moisturizes 100% of the time, and (3) this is 100% (the brand) time release moisturizer.” 932 F.Supp. 559, 609 (SDNY 1996), *rev’d on other grounds*, 108 F.3d 1503 (2d Cir. 1996). The Estee Lauder court found the latter interpretation to be suggestive and concluded that a mark consisting of a double or triple entendre where at least one meaning was suggestive was “protectable without proof of secondary meaning.” *Id.* at 610.

As described in detail in Part A above, Applicant’s mark has more than one meaning. The SOCIAL NETWORK PROCESSOR mark itself, which is an intentional juxtaposition of the terms “SOCIAL

NETWORK” and “NETWORK PROCESSOR,” can mean either (i) a processor that can be used to support social networks, or (ii) a network processor which as a stand-alone term is recognized within the semiconductor industry as a type of processor, that is social. In fact, Applicant believes that the majority of its customers and potential customers will recognize both paired terms and thereupon spot the double entendre, necessarily leading to additional pondering over Applicant’s goods and how they relate to the mark. Without additional information, there is no reason to believe that consumers would immediately conclude that the term refers only to processors for social networks, which was the only association discussed in the Office Action.

Finally, the mark SOCIAL NETWORK PROCESSOR may take on its own distinctive meaning because it is a combination of words or phrases that are uncommonly used together. It is clear that given the way society has evolved in this digital age, the current interest in social networking, and the advances made with network processors, there are a number of ways in which consumers may interpret Applicant’s mark SOCIAL NETWORK PROCESSOR. It is upon such basis that Applicant submits that its mark consists of a double entendre where at least one meaning is suggestive and thus “protectable without proof of secondary meaning.” *Id.*

6. Conclusion

The Applicant by the present reply believes that it has addressed all the Examining Attorney’s concerns regarding the initial finding that Applicant’s mark is merely descriptive under Trademark Act, 15 U.S.C. Section 1052(e)(1).

The Applicant reiterates that its mark does not immediately convey the nature of Applicant’s goods as amended herein and is therefore not merely descriptive, but is inherently and necessarily suggestive, e.g., the Applicant’s goods in some embodiments can be used as a discrete component of a unit of electronic equipment (e.g., a server) that in turn is merely a component of a data center which in turn is merely a part of the overall electronic communication infrastructure established and maintained by website providers.

Moreover, even if the Applicant’s submissions herewith do not provide sufficient additional explanation to cast doubt on the Examining Attorney’s initial views, they nevertheless support the Applicant’s alternative argument as set forth in a previous Office Action replies that the Applicant’s mark is a compound word mark with a double entendre (a “Social” “network processor” versus a “Social Network” “processor”) that is protectable without secondary meaning.

The Applicant submits that this application is in condition for registration and which is respectfully requested.

Respectfully submitted,
/Raj Jaipershad/
Raj Jaipershad
Applicant’s representative
US Patent Attorney (44168)
rjaipershad@apm.com
(408) 542-8307
January 1, 2013

INTERNATIONAL CLASS	009
DESCRIPTION	
Microprocessors and semi-conductors; Semiconductor chips; Semiconductor power elements	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	009
TRACKED TEXT DESCRIPTION	
Microprocessors and semi-conductors ; <u>Semi-conductors</u> ; Semiconductor chips; Semiconductor power elements	
FINAL DESCRIPTION	
Semi-conductors; Semiconductor chips; Semiconductor power elements	
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use Processor apart from the mark as shown.
SIGNIFICANCE OF MARK	Processor appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as applied to the goods/services listed in the application, or any geographical significance.
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	APPLIED MICRO CIRCUITS CORPORATION APPLIED MICRO CIRCUITS CORPORATION 215 MOFFETT FIELD DR SUNNYVALE California (CA) US 94089
NEW CORRESPONDENCE SECTION	
NAME	APPLIED MICRO CIRCUITS CORPORATION
FIRM NAME	APPLIED MICRO CIRCUITS CORPORATION
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	Social Network Processor
INTERNAL ADDRESS	Legal Department
STREET	215 MOFFETT FIELD DR
CITY	SUNNYVALE
STATE	California

ZIP/POSTAL CODE	94089
COUNTRY	United States
PHONE	408.542.8632
EMAIL	rjaipershad@apm.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/R. Jaipershad/
SIGNATORY'S NAME	Raj Jaipershad
SIGNATORY'S POSITION	Patent Attorney
SIGNATORY'S PHONE NUMBER	(408) 542-8307
DATE SIGNED	01/02/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Jan 02 22:02:47 EST 2013
TEAS STAMP	USPTO/RFR-63.147.59.2-201 30102220247231538-8524446 8-490e2c03e29e1d8c75c6661 5f2f8a5d-N/A-N/A-20130102 214916187561

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85244468** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

January 1, 2013

Commissioner for Trademarks

US Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Re: TM Application Serial No.: 85244468

Applied-for Mark: SOCIAL NETWORK PROCESSOR
Class: International Class 009
Applicant: Applied Micro Circuits Corporation
Date Application Filed: February 16, 2011
Office Action issued: July 1, 2012
Correspondent contact: email: rjaipershad@apm.com; Phone: (408) 542-8307
Examining Attorney: Charles L. Jenkins

Dear Mr. Jenkins:

1.0 Reply and Request for Reconsideration after Final Action

In response to your Office Action issued July 1, 2012 (made “Final”) the Applicant respectfully requests reconsideration and allowance of its application for the reasons set forth below.

In the Office Action, the Applicant’s mark “Social Network Processor” was refused registration under Trademark Act, 15 U.S.C. Section 1051(b), on the grounds that the mark under 15 U.S.C. Section 1052(e)(1) is merely descriptive of the Applicant’s identified goods, namely “Microprocessors and semi-conductors; Semiconductor chips; Semiconductor power elements” in International Class 009.

By this response, the Applicant (i) amends the identification of the goods under Trademark Rule 37 C.F.R. 2.71(a) (see Section 2, below), and (ii) hereby disclaims any right in the word “processor” apart from the greater mark, and (iii) requests reconsideration of certain issues it believes were not given adequate weight in the earlier Office Actions. Accordingly, the Applicant hereby respectfully requests allowance of the application in view of the proposed amendments and the disclaimer and submissions herein.

As a six-month period was set for a reply, this reply filed January 2, 2013 is timely since January 1, 2013 was a U.S. Federal Holiday.

Concurrent with this response, the Applicant is filing a Notice Of Appeal should refusal to register the mark continue over this response.

2.0 Proposed Amendment to the Identification of Applicant’s Goods

In rejecting the mark “Social Network Processor” as “merely descriptive of the identified goods” under 15 U.S.C. Section 1052(e)(1), the Office Action stated that the Applicant’s mark describes a feature of the relevant goods in that a “social network” is a website where one connects with those sharing personal and professional interests, place of origin, education at a particular school”, and a “processor” is part of a computer (a microprocessor chip) that does most of the data processing”.

Thus, by the Office Action, Applicant’s inclusion of the word “microprocessors” which contains the term “processor” in its list of identified goods, supports a finding that the proposed mark is merely descriptive of the relevant goods under 15 U.S.C. Section 1052(e)(1).

In view of this grounds for rejecting the mark, the Applicant under Trademark Rule 2.71(a) hereby amends the identification of the goods by removing the words “Microprocessor and,” such that the amended identification would read: “Semi-conductors; Semiconductor chips; Semiconductor power elements”.

3.0 Proposed Disclaimer of “Processor”

In addition to amending the identified goods, the Applicant proposes to amend its application to disclaim “Processor” in its mark. Consequently, since the identified goods as amended does not include “microprocessor” and since “processor” is disclaimed, the Applicant’s mark with the disclaimer does not describe an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods. Hence the mark is not descriptive under 15 U.S.C. Section 1052(e)(1).

4.0 Social Network Processor is not merely descriptive of Applicant’s goods but is in fact suggestive of multiple meanings

The Trademark Trial and Appeal Board (the “TTAB”) and the federal courts have set forth clear guidelines regarding what renders a mark impermissibly descriptive under Section 2(e)(1) of the Trademark Act. TTAB and federal court decisions state that refusal to register a mark on the basis of Section 2(e)(1) requires that the mark do nothing other than to immediately convey an understanding of the goods that are associated with the mark. *See In re Quik-Print Copy Shops*, 616 F.2d 523, 525, 205 USPQ 505 n.7 (CCPA 1980). In addition, in order to be descriptive, a mark must immediately convey information as to the ingredients, qualities or characteristics of the goods with a “degree of particularity.” *Plus Products v. Medical Modalities Associates, Inc.*, 211 USPQ 1199, 1204-1205 (TTAB 1981). *See also In re Diet Tabs, Inc.*, 231 USPQ 587, 588 (TTAB 1986); *Holiday Inns, Inc. v. Monolith Enterprises*, 212 USPQ 949, 952 (TTAB 1981); and *In re TMS Corp. of the Americas*, 200 USPQ 57, 59 (TTAB 1978).

This concept of “particularity” was promulgated in *In re Colonial Stores, Inc.*, where the Court held that unless a mark clearly informs potential consumers “only what the goods are, their function, their characteristics or their use,” the mark is not merely descriptive. 157 USPQ 382, 385 (CCPA 1968) (“merely descriptive means only descriptive”). Moreover, the burden is on the Examining Attorney to establish that the mark for which registration is sought is merely descriptive within the meaning of the Lanham Act. *In re Merrill Lynch, Pierce, Fenner, and Smith Inc.*, 828 F.2d 1567, 4 USPQ2d 1141, 1143 (Fed. Cir. 1987). Thus, if there exists any doubt as to whether a mark falls within the proscription of Section 2(e)(1), that doubt must necessarily be resolved in favor of the applicant. *In re Gourmet Bakers*, 173 USPQ 565 (TTAB 1972); *see also In re Atavio*, 25 USPQ2d 1361, 1362 (TTAB 1992).

Applying these principles, the Applicant respectfully submits that the Trademark Office has not met its burden of showing that the mark SOCIAL NETWORK PROCESSOR immediately conveys an understanding of Applicant’s goods, or that it informs consumers with a degree of particularity such that the mark is “only descriptive.” On the contrary, the Applicant respectfully submits that Applicant’s mark is decidedly suggestive, for the reasons stated below.

1. Applicant's Mark Requires Imagination And Thought For A Consumer To Reach A Conclusion As To The Nature Of The Associated Goods.

To make the determination whether a mark is merely descriptive, courts and the USPTO often apply the so-called “imagination test” to distinguish between merely descriptive and suggestive marks. Specifically, a term is not merely descriptive if it “requires imagination, thought and perception to reach a conclusion as to the nature of the goods. A term is descriptive if it *forthwith* conveys an *immediate* idea of

the ingredients, qualities, or characteristics of the goods.” *Stix Products, Inc.*, 295 F.Supp. 479, 488 (SDNY 1968) (emphasis added); *see also Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 189 USPQ 759, 765 (2d Cir. 1976). Further, “[i]f the mental leap between the word and the product’s attributes is not almost instantaneous, this strongly indicates suggestiveness, not direct descriptiveness.” *McCarthy on Trademark and Unfair Competition*, §11:67 (4th ed. 2003).

In the present case, the mark SOCIAL NETWORK PROCESSOR is not merely descriptive because the mark does not *immediately* convey to the consumer the nature neither of Applicant’s goods nor with a degree of particularity. Instead, the mark is suggestive because one or more mental steps must be performed by the consumer, requiring the use of imagination, thought or perception, in order to reach a conclusion on the nature of such goods.

A review of each of the terms included in Applicant’s mark shows that the terms themselves have several different definitions and meanings. In its Office Action, the Examining Attorney stated that Applicant provides “semiconductor power elements” that are made solely for “social networks,” indicating that the mark is merely descriptive of “processors” for “social networks.” Even assuming that this is the only interpretation of the proposed mark (which, as further described below, is not the case), the term “social network” is not susceptible of a single, or even prominent, definition when paired with the term “processor”. As the Examining Attorney identified in the Office Action of June 1, 2012 and May 11, 2011, there are at least two distinct definitions of “social network” that might describe an intended purpose of Applicant’s processors. First, the Examining Attorney stated that “A social network is a website where one connects with those sharing personal or professional interests, place of origin, education at a particular school.” Second, on Attachment 1 to the Office Action of May 11, 2011, the Examining Attorney provided the Dictionary.com definition of “social network,” which is “a person’s family, neighbors, and friends with whom they are socially involved.” The first definition referring to a website, is technological; the second definition is clearly non-technological. Whereas processors associated with the first definition might be those designed for the data center infrastructure employed by the major social network website providers, processors associated with the second definition might be those designed to power individual consumers’ smart phones, laptop computers and other personal communication devices that facilitate interaction with the other individuals in their personal social networks. Processor chips suitable for servers and other equipment within the data center infrastructure are very different – in terms of functionality, performance specifications, use and customer base – from those suitable for consumer devices such as cell phones, laptops and home network-attached storage devices.

Yet there are even more definitions of “social network.” For example, Wikipedia.com defines “social network” in terms of the connection points or nodes and a measurement of social capital. “In its simplest form, a social network is a map of specified ties, such as friendship, between the nodes being studied... The network can also be used to measure social capital – the value that an individual gets from the social network. These concepts are often displayed in a social network diagram, where nodes are the points and ties are the lines.” *See Appendix A*, previously submitted. Because the term “social network” has at least three different meanings depending on the context, Applicant does not agree that SOCIAL NETWORK PROCESSOR *immediately* conveys to the consumer the nature of Applicant’s goods nor with a degree of particularity.

Moreover, none of the definitions of “social network” described above are normally, let alone immediately, associated with processors. Applicant respectfully submits that the phrase “social network” has no special meaning within the Applicant’s industry – semiconductors - that is unique from the general meanings discussed above. Likewise, although the word “processor” has a specific meaning within the

Applicant's industry, it has no immediate or singular meaning within either the industries that create social networking websites – which are primarily based on software applications -- or the businesses that use social network products to commercialize their product offerings and businesses. Mental leaps are required for the consumer to connect and thereafter associate the concept of a social network to the hardware devices developed and sold by Applicant. This rationale serves as another basis for Applicant's argument that the mark SOCIAL NETWORK PROCESSOR is suggestive and not merely descriptive. Without further thought or imagination by the consumer, the quality and nature of Applicant's goods cannot be immediately attained. The vague and amorphous nature of the term invites additional thought by the consumer and a mental connection between the mark and the product's attributes must be considered which necessarily converts the mark from one that is merely descriptive to one that is suggestive and registerable.

In addition to the analysis of the proposed mark set forth in the Office Action – which focused on the concept of “processors” for “social networks” – there is a second and fundamentally distinct interpretation of the mark SOCIAL NETWORK PROCESSOR which, when properly added to the picture, should help to remove any doubt that the mark requires imagination and iterative thought processes in order to reach any conclusions about the nature of Applicant's goods. Given that the majority of Applicant's semiconductor products in its “Embedded Processor” business unit are designed for networking applications (please see applicable screen shots taken from Applicant's corporate website, Appendix B, previously submitted, Applicant has come to be known within the industry as fabless microprocessor product provider.

Accordingly, when viewing the proposed mark SOCIAL NETWORK PROCESSOR, a customer or potential customer of Applicant's goods may be just as likely to initially see within it the term “network processor” as it may be to see the term “social network.” Such a reading of the mark thereupon would lead the consumer to a conclusion that Applicant's goods are “network processors” that are “social.” This association necessarily leads to further imaginative thought processes, given the large number of plausible suggestive definitions of the term “social” when linked to the term “network processor.” First, the mark could refer to network processors that interact within the network in a way that mimics social interaction. Second, it could mean network processors that, through advances in Applicant's technology, communicate with each other effortlessly and easily, that is, in a friendly or social manner. Third, the mark could refer to network processors intended for applications that relate to human welfare. Fourth, since “social” also means “gregarious” or desirous of being among large numbers, the mark could refer to network processors designed to co-exist in large numbers within a single board or device, thus delivering significantly higher performance. Fifth, the mark could mean network processors that society uses universally in that sense of “social.” The mark could also mean a modern or trendy processor, a spring-board or play on words based on the title to the recent motion picture “The Social Network.”

Applicant would also like to ask the Trademark Office to consider the fact that the Applicant's mark is a combination of the three terms “social”, “network” and “processor.” Even assuming *arguendo* that there were generally understood meanings that were particular to each of those three terms as described above, or which were particular to each individual pairing of two out of three of such terms (“social network” and “network processor”), there nevertheless is no specific or widely-used meaning to the term SOCIAL NETWORK PROCESSOR as a whole within Applicant's industry (i.e., semiconductors). According to TTAB and court precedent, even if the terms “social,” “social network,” “network processor” and “processor” were each merely descriptive, the combination of two or more merely descriptive terms that create a mark that might be either descriptive or suggestive must be resolved in favor of the Applicant. See *In re Conductive Systems, Inc.*, 220 USPQ 84, 86 (TTAB 1983). Applicant respectfully submits that the Examining Attorney's focus upon a single definition of the term “social

network” and the term “processor” is not sufficient to prove that the mark as a whole is merely descriptive. On the contrary, Applicant believes that such treatment would improperly dissect its mark rather than view it as a whole, which is the proper test when considering the issue of descriptiveness. Courts have held that marks tend to be perceived in their entirety, and all components thereof must be given appropriate weight. *See Opryland USA Inc. v. Great American Music Show, Inc.*, 970 F.2d 847, 23 USPQ 2d 1471 (Fed. Cir. 1992).

2. Where There Is Doubt As To Whether A Mark Is Descriptive, Doubt Should Be Resolved In Applicant's Favor.

To the extent the Trademark Office finds Applicant’s mark SOCIAL NETWORK PROCESSOR to fall within a “gray area” between obviously descriptive marks and suggestive marks, all doubt must be resolved in Applicant’s favor. *See In re Conductive Systems, Inc.*, 220 USPQ 84, 86 (TTAB 1983) (where the combination of two merely descriptive terms creates a mark that might be either descriptive or suggestive, doubts are to be resolved in favor of applicants; refusal reversed); *In re Pennwalt Corp.*, 173 USPQ 317, 319 (TTAB 1972) (DRI-FOOT not merely descriptive for antiperspirant foot deodorant; doubts to be resolved in favor of publication; refusal reversed); *In re Noble Co.*, 225 USPQ 749, 750 (TTAB 1985); *see also In re Grand Metropolitan Foodservice, Inc.*, 30 USPQ 2d 1974, 1976 (TTAB 1994) (holding that “any doubt with respect to the issue of descriptiveness should be resolved in applicant's behalf.”); *see also In re The Stroh Brewery Co.*, 34 USPQ 2d 1796, 1797 (TTAB 1995) (“When doubts exist as to whether a term is descriptive as applied to the goods or services for which registration is sought, it is the practice of the Board to resolve doubts in favor of the applicant.”). Thus, even if the Examining Attorney is not completely convinced that Applicant's mark is not merely descriptive, the TTAB and the federal courts have long established that the raising of doubt in the Examining Attorney should lead to a decision in Applicant's favor and a withdrawal of the Section 2(e) (1) refusal. On this basis, Applicant requests that the Trademark Office reconsider the Examining Attorney’s rejection in the Office Action and reverse its initial decision.

3. Numerous Previously Granted Third Party Registrations that include “SOCIAL NETWORK,” “SOCIAL” or “PROCESSOR” support Reversal of the Examining Attorney’s Initial Refusal to Register Applicant’s Mark

Applicant found several instances within the Trademark Electronic Search System (“TESS”) where the Trademark Office has granted registrations to third parties for marks that include either the terms “social network” or “processor”. Applicant submits that the standards applied by the Trademark Office to Applicant’s proposed mark appear inconsistent with those applied to the third party registered trademarks described below, which were not rejected as merely descriptive.

For example, the Trademark Office granted registration of the mark SOCIAL NETWORK RINGS (Reg. No. 4039978) to an online store that sells rings, as well as registration of the mark THE SOCIAL NETWORK MAGAZINE (Reg. No. 3976200) for a magazine in the field of social networking. A search of TESS for registrations that include the word “processor” yielded similar results. For example, the Trademark Office granted registration of the mark THE WORLD’S MOST INTELLIGENT VOICE PROCESSOR (Reg. No. 3987039) to a company that makes computer hardware and software for voice and audio signal processing. It also granted registration of the mark ADVANCED PROCESSOR SOLUTIONS (Reg. No. 3228468), which is registered to a third party in Class 009 for the same goods as Applicant, that is, integrated circuits. Applicant is unable to distinguish these marks, which passed muster under Section 2(e)(1) of the Trademark Act, from the present case.

The apparent inconsistency in applying Section 2(e)(1) standards is even more pronounced when viewing marks granted registration by the Trademark Office that contain the term “social.” In fact, there exists today more than 300 live registered trademarks containing the term “social,” a large number of which would appear to be difficult to distinguish from Applicant’s mark in terms of a “merely descriptive” analysis. A smattering of such registered marks that are within the same Class 009 as Applicant, include SOCIAL WIFI (Reg. No. 4048823); SOCIAL COMMUNICATOR (Reg. No. 3734350); SOCIAL CONNECT (Reg. No. 3846541); BUILDING BLOCKS FOR SOCIAL NETWORKS (Reg. No. 3924738); and SOCIAL TEXT (Reg. No. 3193774). Applicant respectfully submits that the Examining Attorney’s decision to reject SOCIAL NETWORK PROCESSOR on the grounds of being merely descriptive but to allow the cited third-party marks would be an inconsistent application of Section 2(e)(1).

Although Applicant recognizes that each registration application is decided on its own facts and the evidence of record, it would appear, at least on its face, that if the registered third party marks are considered by the Trademark Office to be *not merely descriptive*, then by applying the same standard of review, Applicant’s mark a fortiori should also be not merely descriptive.

For your ease of reference, copies of printed results of Applicant’s searches are included in Appendix E, previously submitted.

5.0 Social Network Processor is a compound word mark and a double entendre and therefore does not require secondary meanings for protection

1. SOCIAL NETWORK PROCESSOR Should be Deemed to be a “Unitary” Mark Under Section 1213.05(a) Due to its Compound and Telescoped Terms.

The Trademark Office recognizes a proposed mark as “unitary” when it creates a commercial impression separate and apart from any unregistrable component. This occurs in situations where the elements are so merged together that they cannot be divided to be regarded as separable elements. If the matter that comprises the mark or relevant portion of the mark is unitary, no disclaimer of an element, whether descriptive, generic or otherwise, is required. See Trademark Manual of Examination Procedure (“TMEP”) §213.05. In particular, “compound” word marks, which are marks comprised of two or more distinct words that are represented as one word, and “telescoped” word marks, which are marks that comprise two or more words that share letters, are each considered to be unitary. (TMEP §§1213.05(a) and (a)(i))

Applicant’s mark SOCIAL NETWORK PROCESSOR results from Applicant’s intentional compounding of the distinct terms “social network” and “network processor”, with the word “network” that is common to both terms represented as one word within the mark. Such compounding of the terms within the mark is sufficient to render it “unitary”, such that it should be registrable with no disclaimer of any potentially unregistrable components. Moreover, Applicant’s proposed mark is “telescoped” in that it comprises two distinct terms that share a common word. Accordingly, the mark should also be considered unitary under TMEP §1213.05(a)(i) and thus registrable.

Moreover, the compound use of the paired terms together convey entirely different meanings which necessarily requires the consumer’s imagination, thought and perception to draw conclusions about the goods associated with Applicant’s mark.

2. Even if SOCIAL NETWORK PROCESSOR is descriptive, it Falls Under §1213.05(c) as a Double

Entendre.

The Trademark Office recognizes double entendres as a separate special class of “unitary” marks, where a disclaimer of a non-distinctive component is not required for registration. See TMEP §§1213.05(c) et seq.

A “double entendre” is a word or phrase that has two meanings, or is capable of having more than one interpretation. “The mark that comprises the double entendre will not be refused registration as merely descriptive if one of its meanings is not merely descriptive in relation to the goods or services.” *TMEP* §1213.05(c).

The courts have a long history of extending protection to terms that have a double meaning. For example, *In re Colonial Stores, Inc.* held that “SUGAR & SPICE”, was not merely descriptive because it also included the meaning evoked in the well-known nursery rhyme. Another example is in *Estee Lauder, Inc. v. The Gap, Inc.*, where the court found that Estee Lauder’s mark “100% TIME RELEASE MOISTURIZER” included three possible interpretations: “(1) this bottle contains nothing but time release moisturizer, (2) this product moisturizes 100% of the time, and (3) this is 100% (the brand) time release moisturizer.” 932 F.Supp. 559, 609 (SDNY 1996), *rev’d on other grounds*, 108 F.3d 1503 (2d Cir. 1996). The Estee Lauder court found the latter interpretation to be suggestive and concluded that a mark consisting of a double or triple entendre where at least one meaning was suggestive was “protectable without proof of secondary meaning.” *Id.* at 610.

As described in detail in Part A above, Applicant’s mark has more than one meaning. The SOCIAL NETWORK PROCESSOR mark itself, which is an intentional juxtaposition of the terms “SOCIAL NETWORK” and “NETWORK PROCESSOR,” can mean either (i) a processor that can be used to support social networks, or (ii) a network processor which as a stand-alone term is recognized within the semiconductor industry as a type of processor, that is social. In fact, Applicant believes that the majority of its customers and potential customers will recognize both paired terms and thereupon spot the double entendre, necessarily leading to additional pondering over Applicant’s goods and how they relate to the mark. Without additional information, there is no reason to believe that consumers would immediately conclude that the term refers only to processors for social networks, which was the only association discussed in the Office Action.

Finally, the mark SOCIAL NETWORK PROCESSOR may take on its own distinctive meaning because it is a combination of words or phrases that are uncommonly used together. It is clear that given the way society has evolved in this digital age, the current interest in social networking, and the advances made with network processors, there are a number of ways in which consumers may interpret Applicant’s mark SOCIAL NETWORK PROCESSOR. It is upon such basis that Applicant submits that its mark consists of a double entendre where at least one meaning is suggestive and thus “protectable without proof of secondary meaning.” *Id.*

6. Conclusion

The Applicant by the present reply believes that it has addressed all the Examining Attorney’s concerns regarding the initial finding that Applicant’s mark is merely descriptive under Trademark Act, 15 U.S.C. Section 1052(e)(1).

The Applicant reiterates that its mark does not immediately convey the nature of Applicant’s goods as amended herein and is therefore not merely descriptive, but is inherently and necessarily suggestive, e.g.,

the Applicant's goods in some embodiments can be used as a discrete component of a unit of electronic equipment (e.g., a server) that in turn is merely a component of a data center which in turn is merely a part of the overall electronic communication infrastructure established and maintained by website providers.

Moreover, even if the Applicant's submissions herewith do not provide sufficient additional explanation to cast doubt on the Examining Attorney's initial views, they nevertheless support the Applicant's alternative argument as set forth in a previous Office Action replies that the Applicant's mark is a compound word mark with a double entendre (a "Social" "network processor" versus a "Social Network" "processor") that is protectable without secondary meaning.

The Applicant submits that this application is in condition for registration and which is respectfully requested.

Respectfully submitted,
/Raj Jaipershad/
Raj Jaipershad
Applicant's representative
US Patent Attorney (44168)
rjaipershad@apm.com
(408) 542-8307
January 1, 2013

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Microprocessors and semi-conductors; Semiconductor chips; Semiconductor power elements

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: ~~Microprocessors and semi-conductors~~; Semi-conductors; Semiconductor chips; Semiconductor power elements

Class 009 for Semi-conductors; Semiconductor chips; Semiconductor power elements

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

APPLIED MICRO CIRCUITS CORPORATION
APPLIED MICRO CIRCUITS CORPORATION
215 MOFFETT FIELD DR
SUNNYVALE
California (CA)

US
94089

Proposed:

APPLIED MICRO CIRCUITS CORPORATION of APPLIED MICRO CIRCUITS CORPORATION,
having an address of
Legal Department 215 MOFFETT FIELD DR SUNNYVALE, California 94089
United States
rjaipershad@apm.com
408.542.8632
The attorney docket/reference number is Social Network Processor.

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use Processor apart from the mark as shown.

Significance of wording, letter(s), or numeral(s)

Processor appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as applied to the goods/services listed in the application, or any geographical significance.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /R. Jaipershad/ Date: 01/02/2013
Signatory's Name: Raj Jaipershad
Signatory's Position: Patent Attorney

Signatory's Phone Number: (408) 542-8307

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: APPLIED MICRO CIRCUITS CORPORATION
APPLIED MICRO CIRCUITS CORPORATION
Legal Department
215 MOFFETT FIELD DR
SUNNYVALE, California 94089

Serial Number: 85244468

Internet Transmission Date: Wed Jan 02 22:02:47 EST 2013
TEAS Stamp: USPTO/RFR-63.147.59.2-201301022202472315
38-85244468-490e2c03e29e1d8c75c66615f2f8
a5d-N/A-N/A-20130102214916187561